

ALABAMA MANUFACTURED HOUSING COMMISSION

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Manufactured Housing Commission (AMHC)

RULE NO. & TITLE: 535-X-13-.04 Site Preparation
535-X-13-.12 Penalties and Appeals

INTENDED ACTION: To amend the rule.

SUBSTANCE OF PROPOSED ACTION:


To clarify site preparation responsibility and to add retailers to clarify their liability for site preparation.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may present their views in writing to the Alabama Manufactured Housing Commission, 350 South Decatur Street, Montgomery, AL 36104. Persons wishing to express their views orally should contact the Commission's Executive Secretary at (334) 242-4036, Ext. 27, to set up an appointment.

FINAL DATE FOR COMMENT OF PRESENTING VIEWS:

April 4, 2014

CONTACT PERSON AT AGENCY: Ms. Kathryn Pinegar, Executive Secretary


Elwyn Thomas, Administrator

535-X-13-.04 Site Preparation.

(1) The site shall have a grade that will provide water to drainage away from the home site. The site shall be properly crowned and sloped so that water will not stand under the home or run under the home. This will not be necessary if the existing site will not allow water to stand under the home or run under the home.

(2) The party to pay the cost of and do the site preparation work shall be determined by a written contractual agreement between the retailer and the landowner/homeowner, or the installer and the landowner/homeowner, except when the site is located within a park.

(3) ~~Park owners are responsible for site preparation in a park.~~ The responsibility to ensure that site preparation is done properly will be a shared responsibility of both the retailer and the installer of manufactured homes sold by the retailer except when the site is located within a park; then the park owner shall be responsible. The installer must notify the park owner of his/her responsibility.

(4) The retailer and/or installer must provide a signed copy of the Site Preparation: Information and Requirements form from the Alabama Manufactured Housing Commission (AMHC) to the homeowner and the AMHC along with the Property Locator, and retain the original in its customer file.

(5) Site preparation for all secondary sitings not involving a retailer and not installed in a park shall be the responsibility of the installer.

(6) After corrections have been made as described in the initial Set-up Inspection Report and confirmed by the Inspector, the Commission shall consider site preparation to be correct.

(7) A retailer, installer, or park owner may request a pre-delivery site inspection from the Commission to determine the suitability of the site. A written site inspection report shall be provided. The Commission may charge a fee for this service.

Author: Jim Sloan

Statutory Authority: Code of Ala. 1975, §§24-4A-3,
24-5-31, 24-5-32, 24-6-4.

History: New Rule: Filed: June 24, 1993; effective
July 29, 1993. **Amended:** Filed July 27, 2000; effective
August 31, 2000; operative October 1, 2000. **Amended:**
Filed November 5, 2007; effective December 10, 2007.

Amended:

535-x-13-.12 Penalties And Appeals.

(a) It is a misdemeanor for any person to install, allow to be installed, occupy, or allow to be occupied, any manufactured home or manufactured building in this state which is not in accordance with the uniform standards and the rules and regulations adopted and set forth by the Commission pursuant to this article.

(b) The Commission is authorized to levy a civil penalty up to \$500 against any person found in violation of Subsection (a) of Section 24-5-32. The Commission is moreover authorized to levy a civil penalty up to \$500.00 for each violation against any installer, ~~or~~ installation personnel or retailer violating the rules and regulations adopted and set forth by the Commission pursuant to this article. Persons subjected to the operation of this Subsection shall be given a hearing by the Commission on application therefore, and shall be notified of the availability of a hearing by the Commission on imposition of a penalty.

(c) In addition to other penalties provided by law, the Commission and district attorneys are authorized to apply to the circuit courts within their respective jurisdictions, and such courts shall have jurisdiction, upon hearing and for cause shown, to grant appropriate additional relief to prevent or restrain violations of this article.

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